UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,430	10/02/2000	Chris Greener	PA1256US	4360

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EXAMINER
KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/678,430	GREENER ET AL.
	Examiner	Art Unit	
	Alford W. Kindred	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 March 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _33-40 and 42-60_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _33-40 and 42-60_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to communications: Amendment, filed 03/29/05.

This action is made final.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 33-40 and 42-60 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Smith, JR. et al., US# 2002/0128898 A1, in view of DESAI et al., US#

2001/0052009 A1.

As per claim 33, Smith, JR. et al. teaches "a database interface configured to

access the database . . ." (see page 3, paragraphs and [0047]) "a survey creation

engine configured to create surveys . . ." (see page 3, paragraph [0043]) "allow a user of

the survey creation machine to create a survey . . ." (see page 4, paragraphs [0052]-

[0053]) "an e-mail list management facility configured to provided management

capability through the network browser of the survey design machine of a list of e-mail .

. ." (see paragraphs [0108]-[0110]). Smith, Jr. et al. Does not teach "the e-mail

containing a network link to provide access to the survey for the client computer via

network protocols . . .". DESAI et al. teaches "the e-mail containing a network link to

provide access to the survey for the client computer via network protocols . . ." (see

paragraphs [0005], [0035] and [0048]). It would have obvious at the time of the

invention for one of ordinary skill in the art to have combined the teachings of Smith and

DESA, because using the steps of "the e-mail containing a network link to provide

access to the survey for the client computer via network protocols . . ." would have given

those skilled in the art the tools to link e-mail survey information via a protocol element

in a more efficient manner. This give users the advantage of expediting the results of

surveys received via email.

As per claim 34, Smith, JR. et al. teaches "interfaces of the host machine and the

survey design machine are configured to access the Internet" (see page 4, lines [0057]-

[0058]).

As per claims 35-37, Smith, JR. et al. teaches "a sever process configured to

send a created survey . . . than mail protocols . . " (see page 3, paragraphs [0046]-

[0048]).

As per claims 38-39, Smith, JR. et al. teaches "the server process of the host

machine is further configured to provide access to response stored in the database for

the network browser of the survey design machine" (see page 6, paragraphs, [0098],

and [0107]-[0111]).

As per claim 42, Smith, JR. et al. teaches "the network link of the e-mail is a

universal resource locator (URL)" (see page 9, paragraph [0143]).

As per claim 43, Smith, JR. et al. teaches "the host is configured to store web

content objects associated with the stored surveys" (see page 9, paragraphs [0137]-[-

141]).

As per claim 44, Smith, JR. et al. teaches "the database is configured to provide password protected access to stored surveys and responses to surveys" (see page 8, paragraphs [0128]-[0130]).

As per claim 45, Smith, JR. et al. teaches "created engine includes a wizard process configured to provide automated guidance in survey creation" (see page 8, paragraphs [0125]).

As per claim 46, Smith, JR. et al. teaches "survey creation engine includes templates of exemplary surveys and is configured to provide to the network browser of the survey design machine at least one function configured to provide modification capability for tailoring of the exemplary surveys to match requirements of intended surveys" (see page 12, paragraphs [0176]-[0177]).

As per claim 47, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 33 and is similarly rejected including the following: Smith, JR. et al. does not explicitly teach "the network to edit a list of e-mail recipients stored . . .". DESAI et al. teaches "the network to edit a list of e-mail recipients stored . . ." (see paragraphs [0033]-[0035]). It would have been obvious at the time of the invention for one of ordinary skill in the art the tools to efficiently edit email list for surveying purposes. This give users the advantage for rendering modified survey lists from recipients faster.

As per claim 48, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 41 and is similarly rejected.

As per claim 49, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 46 and is similarly rejected.

As per claim 50, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 45 and is similarly rejected.

As per claim 51, this claim is rejected on grounds corresponding to the arguments given above for rejected claims 33 and 35 and is similarly rejected.

As per claims 52-55, these claims re rejected on grounds corresponding to the arguments given above for rejected claims 33 and 47 and are similarly rejected.

As per claim 56, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 46 and is similarly rejected.

As per claims 57-58, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 33 and 47 and are similarly rejected including the following:

- Smith, JR. et al. teaches "constant sum questions, spinner questions . . ." (see fig. 8—sheet 9 of 11 and see paragraphs [0097]-[0098]).

As per claims 59-60, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 33 and 47 and are similarly rejected including the following:

--Smith, JR et al. teaches "select font of text . . . color . . ." (see fig. 3—sheet 4 of 11]).

Response to Arguments

4.   Applicant's arguments filed 3/29/05 have been fully considered but they are not
persuasive.

            --As per applicant's arguments regarding "Smith not only does not teach,
but also teaches away from an e-mail list management facility configured to provide
management capability through the network browser . . . chosen to receive an e-mail
associated with a survey . . .", examiner maintains that Smith in view of Desai,
combined teachings involving dynamic assignment of surveys such that a list of e-mail
recipients chosen to receive an e-mail associated with a survey . . .", is illustrative of
applicant's claim language an e-mil list management facility configured to provide
management capabilities through the network browser . . .". Both the prior art of record
combined and applicant's claim language involves a survey design element combined
with the management of e-mail lists related to the survey design element via a network
environment.

            --As per applicant's arguments regarding "Desai teaches generation of
questionnaire response applets, which, in general, is not distribution of questionnaires
and does not, in particular, address that found . . .", examiner maintains that the
generation of questionnaire response reads on applicant's distribution of questionnaires,
both process information base on submitted question electronically.

--As per applicant arguments regarding "Smith points out that inviting individuals to participate in surveys via e-mail provides no mechanism for selecting a different survey that may better suited . . .Smith, there would be no list of e-mail recipients in Smith to edit", examiner disagrees and maintains the Smith invitation to participates includes the means to process various survey in a manner indicated in applicant's claim language.

--As per applicant arguments regarding "the office action states that 'it would have been obvious . . .' . . . this gives users the advantage of rendering modified survey lists . . ." the respectfully believes that this statement of obviousness has no relevance . . .", examiner disagrees and maintains that the combination of Smith and Desai is proper and Smith's dynamic assignment is compatible and combinable with the Desai reference and therefore the rejection is maintained.

Conclusion

5.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alford W. Kindred whose telephone number is 571-272-

4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Alford W. Kindred
Patent Examiner
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